

BOARD OF APPEALS CASE NO. 4969

BEFORE THE

APPLICANT: Site Resources, Inc.

ZONING HEARING EXAMINER

REQUEST: Special Exception to locate
a communications tower in the AG District;
3036 Churchville Road, Churchville

OF HARFORD COUNTY

Hearing Advertised

Aegis: 8/25/99 & 9/1/99

Record: 8/27/99 & 9/3/99

HEARING DATE: October 27, 1999

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ZONING HEARING EXAMINER'S DECISION

The Applicant is Site Resources, Inc. The Applicant is requesting a Special Exception to Section 267-53(l)(4) of the Harford County Code, to permit a communications tower in an Agricultural District.

The subject parcel is owned by John Grimm, et al., and is located at 3036 Churchville Road in the Third Election District. The parcel is identified as Parcel No. 468, in Grid 3-F, on Tax Map 42. The parcel contains 4.304 acres, more or less, and is zoned B3/VB/AG.

Mr. Robert Morelock appeared and testified as an expert in the field of landscape architecture and land planning. Mr. Morelock said that the subject property is surrounded by commercial uses and that the parcel contains split zoning, with the front portion of the parcel being zoned B3. He said the front portion of the property is currently used as a furniture showroom and warehouse. The witness said that the proposed tower will be located on the Agricultural portion of the property and would be a 135 foot monopole tower. The witness said that the tower will be setback the height of the tower plus 10 feet from all property lines and he did not feel that approval of the Special Exception on the subject parcel would have any greater impact at the proposed location than if located elsewhere in the Agricultural District. The witness also testified he did not feel that the Applicant's proposal would adversely impact the "Limitations, Guides and Standards" set forth in Section 267-9(l).

Mr. Morelock also introduced as "Petitioner's Exhibit No. 1", a letter of intent from AT & T Wireless Services, indicating their intent to co-locate on the proposed tower.

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The Staff Report of the Department of Planning and Zoning recommends conditional approval, and no protestants appeared in opposition to the Applicant's request.

CONCLUSION:

The Applicant is requesting a Special Exception to construct a 135 foot communications tower, pursuant to Section 267-53(l)(4), which provides:


"Towers, communications and broadcasting. These uses may be granted in the AG, B2 and B3 Districts, provided that the setback of the tower from all property lines shall be equal to the height of the tower plus ten (10) feet."

The uncontradicted testimony offered by the Applicant is that the tower will be setback a minimum of 10 feet from all property lines and that approval of the Special Exception on the subject property would not have any greater impact than if approved elsewhere in the zoning district. The testimony also indicated that approval of the variance would not adversely impact the "Limitations, Guides and Standards" set forth in Section 267-9(l).

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the following conditions:

1. That the Applicant shall submit a site plan for review through the Development Advisory Committee (DAC).
2. That the Applicant shall obtain all necessary permits and inspections for the tower.
3. That upon expiration or termination of the use, the Applicant shall remove the tower from the subject property or seek further Board of Appeals approval.

Date NOVEMBER 18, 1999



L. A. Hinderhofer
Zoning Hearing Examiner